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ORIGIN ARA-20

INFO OCT-01 ISO-00 IO-14 OIC-04 AID-20 EB-11 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 /163 R

DRAFTED BY USOAS:RAPOOLE:JD

APPROVED BY USOAS:FMCNEIL

USOAS:AMB. MAILLIARD (SUBS)

----- 115243

P 152331Z MAR 74

FM SECSTATE WASHDC

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USCINCSO PRIORITY

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CINCSO FOR POLAD

E.O. 11652: N/A

TAGS: PFOR, OAS

SUBJECT: OAS SPECIAL COMMITTEE ON RESTRUCTURING - RIO
TREATY

REF: STATE A-1405 AND STATE A-1179

SUMMARY: FOURTH ROUND OF OAS SPECIAL COMMITTEE ON RESTRUC-
TURING INTER-AMERICAN SYSTEM HAS BEEN UNDER WAY SINCE
MARCH 6, WITH MOST SESSIONS DEVOTED TO RIO TREATY. NO
POINTS UNDER CURRENT DISCUSSION HAVE YET BEEN SETTLED,
ALTHOUGH THERE SEEMS TO BE DISPOSITION TO SEEK ACCOMMODA-
TION. END SUMMARY.

1. SESSIONS SO FAR HAVE BEEN LOW KEY, CONCENTRATING ON
SPECIFICS WITH MINIMUM OF SWEEPING GENERALITIES AND NO
CONFRONTATIONAL GRANDSTANDING. WITH EXCEPTION OF ASSISTANT
SECRETARY KUBISCH'S PARTICIPATION IN OPENING SESSION AND
AUGMENTATION OF PERUVIAN, MEXICAN AND ECUADOREAN DELEGATIONS
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WITH FOREIGN MINISTRY OFFICIALS, REPRESENTATION HAS BEEN

AT OAS REP LEVEL.

2. MOST ACTIVE PARTICIPANTS IN DEBATE SO FAR HAVE BEEN PERU, MEXICO, ECUADOR, URUGUAY, GUATEMALA AND U.S., PLUS LIMITED PARTICIPATION FROM BRAZIL AND ARGENTINA.

3. IN FIRST SESSION ASST. SEC. KUBISCH STRUCK POSITIVE NOTE IN EXTEMPORANEOUS REMARKS EMPHASIZING SIGNIFICANCE

OF SPIRIT OF TLATELOLCO AND REAFFIRMING SECRETARY KISSINGER'S STRONG INTEREST IN ACTIVE U.S. PARTICIPATION IN WORK OF COMMITTEE. KUBISCH SAID U.S. WAS REEXAMINING ITS OWN POSITIONS ON REFORM OF INTER-AMERICAN SYSTEM AND THAT THIS PROCESS HAD BENEFITED FROM CONSULTATIONS AND DIALOGUE AT TLATELOLCO.

4. THESE REMARKS BROUGHT FORTH UNCHARACTERISTICALLY WARM RESPONSE FROM PANAMANIAN PERM REP PITY WHO EXTOLLED NOT ONLY SPIRIT OF TLATELOLCO BUT ALSO "SPIRIT OF HENRY KISSINGER", EXPRESSED FULL CONFIDENCE IN SECRETARY'S INTENTIONS FOR POSITIVE COLLABORATION, AND SPOKE OF BUILDING ON EXISTING "NATURAL ALLIANCE" OF U.S. AND LATIN AMERICA.

5. RIO TREATY

A. DISCUSSION ON RIO TREATY HAS REVOLVED PRINCIPALLY AROUND PERU'S PROPOSALS AFFECTING PRESENT ARTICLE 3 (ARMED ATTACK) AND ARTICLE 6 (SITUATIONS SHORT OF ARMED ATTACK, THREATS TO THE PEACE, ETC.), AND TO A LESSER EXTENT AROUND U.S. PROPOSAL ON QTE MEASURES UNQTE. URUGUAY, GUATEMALA AND BRAZIL HAVE GENERALLY EXPRESSED VIEWS SIMILAR TO OURS, AND THERE HAVE ALSO BEEN SUBSTANTIAL POINTS OF CONGRUENCE WITH MEXICO, ECUADOR AND ARGENTINA.

B. INTRA- AND EXTRA-CONTINENTAL ATTACK. PERU HAS ARGUED (GENERALLY UNCONVINCINGLY) THAT U.S. IS ONLY POTENTIAL TARGET FOR EXTRA-CONTINENTAL ARMED ATTACK IN ATOMIC AGE AND THAT LA'S SHOULD NOT BE EXPECTED TO RESPOND WITH SAME DEGREE OF OBLIGATION AND AUTOMATICITY LIMITED OFFICIAL USE

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AS IN CASE OF INTRA-CONTINENTAL ATTACK. PERU'S CURRENT PROPOSAL REPRESENTS CONSIDERABLE CONCESSION FROM THEIR ORIGINAL, BUT PERU STILL SEEMS TO HAVE LITTLE SUPPORT FOR IT, ALTHOUGH SOME LATINS MAY BE DISPOSED TO COMPROMISE. U.S., AMONG OTHERS, HAS ARGUED FOR EQUAL COVERAGE OF ATTACKS WHETHER FROM EXTRA-CONTINENTAL OR INTRA-CONTINENTAL SOURCES (I.E. WITH SAME DEGREE OF OBLIGATION AND OF INDIVIDUAL AND COLLECTIVE RESPONSE).

C. INDIRECT AGGRESSION AND THREATS (ARTICLE 6).

THIS HAS NOT YET BEEN DISCUSSED IN DEPTH, EXCEPT THAT MEXICO HAS REITERATED ITS PROPOSAL TO REMOVE QTE AGGRESSION WHICH IS NOT ARMED ATTACK UNQTE FROM ARTICLE 6, AND U.S. AND CERTAIN OTHERS HAVE RESPONDED IN GENERAL TERMS BY ADVOCATING BROAD COVERAGE TO INCLUDE INDIRECT AGGRESSION, THREATS TO PEACE, ETC. WE ARE DISCUSSING PRIVATELY WITH VARIOUS DELEGATIONS (INCLUDING BRAZILIANS, MEXICANS AND PERUVIANS) POSSIBLE ALTERNATIVE LANGUAGE THAT WILL MEET OUR REQUIREMENTS.

D. COVERAGE OF NON-SIGNATORY AREAS. PERUVIAN PROPOSAL WOULD LIMIT COVERAGE TO TREATY PARTIES INSTEAD OF QTE AMERICAN STATES UNQTE AS IN PRESENT TREATY AND WOULD ALSO ELIMINATE ARTICLE 4 ZONE. THIS HAS NOT BEEN DISCUSSED IN DEPTH ALTHOUGH SOME SUPPORT FOR IT HAS SURFACED ON BASIS THERE IS NO OBLIGATION TO ASSIST NON-SIGNATORIES. WE ARE DISCUSSING PRIVATELY WITH SOME DELEGATIONS (BRAZILIANS, MEXICANS AND URUGUAYANS) OUR CONCERN OVER LEAVING NON-SIGNATORY AREAS (E.G. CARIBBEAN) UNCOVERED AND OUR PREFERENCE FOR PRESENT TREATY LANGUAGE, WHILE ACKNOWLEDGING DELICACY OF MATTER VIS-A-VIS GUYANA AND BELIZE IN PARTICULAR. MEXICANS (WHO HAD EARLIER PROPOSED ELIMINATING PRESENT TREATY ZONE AND SUBSTITUTING TERRITORIES OF PARTIES) AND BRAZILIANS THINK BEST BET WOULD BE LANGUAGE IN ARTICLE 6 THAT WOULD COVER ANY CONFLICT IN HEMISPHERE, ALBEIT WITHOUT SAME OBLIGATION AND AUTOMATICITY AS IN ARTICLE 3.

E. ARMED FORCES OUTSIDE TREATY AREAS. U.S. HAS REITERATED WILLINGNESS TO ELIMINATE THIS COVERAGE PROVIDED ADEQUATE HIGH SEAS BAND IS MAINTAINED WITHIN TREATY ZONE. REACTION TO OUR LIMITED OFFICIAL USE

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CONCESSION HAS BEEN FAVORABLE, AS THERE IS GENERAL CONSENSUS THIS COVERAGE SHOULD BE DROPPED. QUESTION OF THE TREATY ZONE, HOWEVER, HAS NOT YET BEEN REACHED.

F. QTE MEASURES UNQTE. FOLLOWING UP SUGGESTION MADE IN OCTOBER 24 STATEMENT, U.S. TABLED TEXT OF PROPOSAL TO PROVIDE EXPLICITLY FOR RANGE OF ACTIONS TO SELECT FROM: (A) MANDATORY MEASURES, (B) RECOMMENDED MEASURES, AND (C) PREVENTIVE OR CONCILIATORY STEPS. THE PROPOSAL HAS GENERATED CONSIDERABLE INTEREST AS A FORTHCOMING MOVE; WITH STRONG SUPPORT BY MEXICO AND SOME DOUBTS EXPRESSED BY ECUADOR.

G. ECONOMIC AGGRESSION. DISCUSSION HAS NOT YET REACHED PERU'S PROPOSAL FOR INCLUDING QTE ECONOMIC

AGGRESSION UNQTE. FROM PRIVATE DISCUSSIONS PERU SEEMS INCREASINGLY ISOLATED ON THIS POINT. MEXICO SAID TREATY SHOULD NOT COVER QTE SO-CALLED INDIRECT, POLITICAL OR ECONOMIC AGGRESSION UNQTE. PERUVIANS EVEN APPROACHED US ON POSSIBILITY OF ABANDONING THEIR PROPOSED OPERATIVE ARTICLES IN EXCHANGE FOR SOME RECOGNITION IN PREAMBLE OF QTE COLLECTIVE ECONOMIC SECURITY UNQTE.

H. VOTING. WE HAVE NOT YET REACHED THIS CRUCIAL AND POTENTIALLY DIVISIVE ISSUE, ALTHOUGH IT HAS SURFACED TWICE. URUGUAY SAID IT SUPPORTED A CHANGE IN THE TWO-THIRDS VOTING REQUIREMENT FOR TERMINATING MEASURES

(E.G. SANCTIONS), AND TOLD US PRIVATELY THEY FAVOR SIMPLE MAJORITY, SINCE BOTH THE EXISTING REQUIREMENT AND THE PERUVIAN/MEXICAN QTE REVERSE TWO-THIRDS UNQTE PROPOSAL MEAN TYRANNY OF THE MINORITY. ECUADOR (WHICH FROM THE BEGINNING ADVOCATED SIMPLE MAJORITY) SPOKE OF THE NEED TO PREVENT MEASURES FROM BEING BINDING INDEFINITELY AT THE WILL OF A MINORITY. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ECONOMIC COOPERATION, COMMITTEE MEETINGS, MEETING DELEGATIONS, FOREIGN POLICY POSITION, COLLECTIVE SECURITY AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE052845
Document Source: CORE
Document Unique ID: 00
Drafter: RAPOOLE:JD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740338/aaaabkbz.tel
Line Count: 189
Locator: TEXT ON-LINE
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE A-1405 AND STATE A-1179
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 SEP 2002 by elyme>; APPROVED <10-Sep-2002 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OAS SPECIAL COMMITTEE ON RESTRUCTURING - RIO TREATY
TAGS: PFOR, XM, OAS
To: ALL POSTS USCINCSO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005